

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas June 22, 1999
Tuesday, 9:05 A.M.

The City Council met in regular session with Vice-Mayor Rogers in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. Mayor Knight absent. Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present

The invocation was given by Phil Miller, Trees for Life.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --approved The minutes of the regular meeting of June 15, 1999, were approved 6 to 0. (Knight absent)

PUBLIC AGENDA

COMMENTS BY JOE LANGKIET

Joe Langkiet Joe Langkiet, 861 South Fern, said the neighborhood has been dealing with a problem at 859 South Fern where the resident is raising roosters for professional cock fighting. The problem has existed since 1995 and contact with various City departments has not resolved the problem. Mr. Langkiet requested support from the City Council.

Vice Mayor Rogers Vice Mayor Rogers said the Police and Health Departments will try to resolve the issue.

Council Member Gale Council Member Gale stated that he will be following up on the matter.

NEW BUSINESS

LICENSE APPEAL APPEAL OF OFFICE OF CENTRAL INSPECTION DENIAL TO RENEW MASTER PLUMBING, AIR CONDITIONING AND HEATING, AND REFRIGERATION LICENSES.

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 99-593.

Mr. William L. Cusick is appealing the decision of the Board of Appeals of Plumbers and Gas Fitters (Plumbing Board) and the Board of Appeals of Air Conditioning, Refrigeration, Warm Air Heating and Boilers (Mechanical Board) to deny renewal of his Master Plumbing Certificate, his Master Air Conditioning and Heating Certificate, and his Master Refrigeration Certificate without re-testing.

Mr. Cusick's certificates lapsed in early 1999 when they were not renewed by December 31, 1998, or within the sixty-day grace period ending March 1, 1999. For such lapse in renewal, the code requires re-testing prior to issuance of a new certificate.

Both the Mechanical and Plumbing Boards have policies which allow exceptions for documented extenuating circumstances (hospitalization, etc.) At their most recent meetings on May 27 and June 2, each Board determined that Mr. Cusick's situation did not meet the exception criteria, and denied his request to renew his certificates

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without re-testing. After questioning Mr. Cusick at some length, both Boards expressed serious concerns that Mr. Cusick had not kept up with current codes and revisions to codes.

Each of the Master certification tests would cost \$60 if Mr. Cusick is required to re-test.

Motion --
-- carried

Cole moved that the Council concur with the decision of the Board and the appeal be denied. Motion carried 6 to 0. (Knight absent)

IRB - NEWMAN

REQUEST FOR LETTER OF INTENT FOR EDUCATIONAL FACILITIES REVENUE BONDS – NEWMAN UNIVERSITY. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Larry Steickline

Larry Steickline, Chair of the Board of Newman University, reviewed the changes taking place at Newman University.

Agenda Report No. 99-594.

Newman University, located at 3100 McCormick Avenue, is a private, Catholic liberal arts institution sponsored by the Sisters Adorers of the Blood of Christ. With a current enrollment of over 1,900 students, Newman University offers associate's and bachelor's degrees in more than forty disciplines, as well as master's degrees in business, education, social work, nursing and nurse anesthesia. Newman University is requesting City Council approve a six-month Letter of Intent to issue Educational Facilities Revenue Bonds in an amount not to exceed \$11,354,000.

Newman University was founded in 1933 as Sacred Heart Junior College and became a four-year liberal arts college in 1952. In 1973, the school was renamed Kansas Newman College and in 1998 became Newman University. The university title is a reflection of the numerous degrees offered. Newman University is in the process of refocusing its mission on serving the educational needs of traditional-age undergraduate and graduate students.

Current residence facilities are at or near capacity. Bond proceeds will be used to construct a new residence hall with a capacity of 60 additional students initially and eventually 180 students, renovate existing residential space. The University will also convert its existing maintenance facility to a great hall kitchen and food service facility, and build a new maintenance facility to replace the old. Newman University is currently in the process of constructing a new sports and fine arts facility which will be partially funded by bond proceeds, and retired with contributions and pledges over the next 10 years. Bond proceeds will also be used to retire outstanding debt incurred over the last several years for the purpose of acquiring apartments which were converted to residence space and the purchase of certain capital purchases. Additional capital purchases anticipated for the upcoming year will also be financed with bond proceeds.

An analysis of the uses of project funds is:

USES OF FUNDS	
New Residence Hall	\$2,107,000
Food Service Facilities Renovation/Expansion	1,483,000
Sports Complex & Fine Arts Facility	4,000,000
New Maintenance Building	409,000
Merlini Hall Renovation	250,000
Outstanding Debt Retirement	1,337,000
Capital Purchases Reimbursement	598,000
Bond Reserve Fund	1,018,000
Cost of Issuance	152,000
Total Cost of Project:	\$11,354,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Fahnestock & Co., Inc. has agreed to purchase the Bonds. Newman University agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Newman University agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

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Newman University is currently exempt from paying ad valorem property taxes and therefore does not request a tax exemption in connection with issuance of IRBs.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that a Letter of Intent for Educational Facilities Revenue Bonds in an amount not to exceed \$11,354,000, subject to conditions for a term of six months be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

LEE AEROSPACE

REQUEST FOR AMENDED LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – LEE AEROSPACE, INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-595.

On March 17, 1999, City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not to exceed \$3.5 million and a five-plus-five year 100% tax exemption on all bond-financed property. Lee Aerospace, Inc., located at 8500 E. 32nd Street North, is a local corporation founded in 1989. Lee Aerospace manufactures and repairs acrylic aircraft windows, supplying Boeing, Raytheon, Cessna, and Learjet aircraft. Lee Aerospace is requesting City Council amend the March 17, 1999 Letter of Intent to increase the not-to-exceed amount by an additional \$1 million. The proposed amended amount of the Letter of Intent is not to exceed \$4.5 million.

In conjunction with its original proposed project, Lee Aerospace, Inc. has identified additional expansion requirements. The proposed increase of \$1 million will allow Lee Aerospace, Inc. to upgrade its hard-coat application process and facility. The hard-coat process upgrade will require additional space and equipment. The project will allow Lee Aerospace to manufacture windshields, cockpit windows, side windows, and laminated cabin windows at the new facility.

Bond proceeds will be used to acquire property and construct a new facility including 30,000 sq. ft. for manufacturing space (as opposed to 25,000 sq. ft. in the original proposal) and 8,000 sq. ft. for office space. Modern equipment will also be purchased with bond proceeds for in-house manufacturing of specialty aircraft windows. Lee Aerospace will more than double employment in the next five years by increasing staff by at least 50 persons. Series A bond proceeds will be used to finance acquisition of land and building construction. Series B bond proceeds will be used to finance purchase of equipment.

An analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

* Series A Bonds	\$2,400,000
* Series B Bonds	<u>\$2,100,000</u>
Total Funds:	\$4,500,000

USES OF FUNDS

<u>Series A</u>		<u>Series B</u>	
*Land	\$475,000	*Leasehold Improvement	\$1,175,000
*Building	1,815,000	*Equipment	848,000
*Bond Reserve	60,000	*Bond Reserve	40,000
*Cost of Issuance	<u>50,000</u>	*Capital Interest	20,000
	\$2,400,000	*Cost of Issuance	<u>17,000</u>
			\$2,100,000
		Total Cost of Project:	\$4,500,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The taxable Bonds will be privately placed with the company's principal bank. Lee Aerospace, Inc. agrees to comply with the Standard Letter of Intent Conditions.

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Lee Aerospace, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

A new cost benefit analysis was performed by the Wichita State University Center for Economic Development and Business Research. New benefit-to-cost ratios for the amended Letter of Intent are 2.06:1 for the City, 1.82:1 for the County, 1.02:1 for USD 259, and 4.91:1 for the State.

Vice Mayor Rogers Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that the public hearing be closed, an amended letter of intent to Lee Aerospace, Inc. for Industrial Revenue Bonds in an amount not to exceed \$4.5 million, subject to the Standard Letter of Intent Conditions for the remainder of the original six-month term be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

H.O.P.E TAX CREDITS **H.O.P.E., INC. – REQUEST FOR TAX CREDITS.** (District I, VI)

Charles Kennedy Consultant working with H.O.P.E., Inc., reviewed the Item.

Agenda Report No. 99-596.

City Council Resolution No. R-95-479 established a policy and procedure for providing City approval and support for the application by developers of residential housing projects for federal low-income housing tax credits. The resolution requires developers to provide certified evidence that all property owners within two hundred feet of the proposed development site have been notified of their right to comment on the project at a public hearing. The hearing is to be held in conjunction with a regular City Council meeting, and the hearing notice is to be provided no less than seven days prior to said meeting and hearing.

H.O.P.E., Inc., a non-profit organization, has submitted an application to the Kansas Department of Housing for an allocation of \$354,391 in low income housing tax credits, in connection with the renovation of the organization's 74 rental units. The project includes properties located at 420 N. Topeka, 426 N. Topeka, 401-403-405 E. 3rd, and HOPE Village, which is located near Hillside and 13th Street North.

The resolution also requires that the notice form be approved by the Director of Human Services. A copy of the notice has been provided, and has been deemed acceptable.

Low Income Housing Tax Credits are part of the financing package for the renovation of the H.O.P.E. properties.

The resolution also requires that the City Council shall conduct a public hearing. Upon closing the public hearing, the City Council may vote on a motion to approve the application for low-income housing tax credits.

Vice Mayor Rogers Vice Mayor Rogers inquired whether anyone wished to be heard.

Kevin Kimmel Kevin Kimmel spoke of concern that these types of financial opportunities be made available to smaller landlords and individual operators.

Motion -- Rogers moved that the public hearing be closed, the letter of support be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

OLD TOWN DEVELOP. **PREFERRED DEVELOPER AGREEMENT FOR OLD TOWN DEVELOPMENT.** (District VI)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-597.

In 1991, the City of Wichita entered into a preferred developer agreement with David Burk and his development firm, Marketplace Properties, for the purpose of providing developer services for the initial phase of development of the Old Town District, whose boundaries are Douglas Avenue, Washington Street, Second Street and the Santa Fe Railroad right of way. Since then, the Old Town District has continued to develop and transform itself into a successful entertainment and shopping district, anchoring the east end of the City's downtown revitalization efforts.

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The City's efforts to stimulate development in Old Town have included the development of the Farm and Art Market and Plaza, the establishment of the Old Town Parking District with 10 parking lots and one garage totaling over 1,500 free public parking spaces, and extensive streetscape improvements throughout Old Town creating the essential ambience of the area. Most recently, the City has participated in the public-private renovation of the historic Keen Kutter building into a unique 112-room extended stay hotel, the Hotel at Old Town.

Dave Burk has participated in much of the private development of restaurants, nightclubs, retail shops, offices and apartments that have replaced most of the former warehouses and industrial buildings that comprised the Old Town area before redevelopment began. Mr. Burk is now asking the City to participate in a new phase of development in Old Town and is requesting designation as the City's preferred developer for this new project.

Mr. Burk has formed a partnership with a California-based developer, Civic Partners, that specializes in redevelopment of older downtown areas into entertainment venues. Civic Partners Wichita, LLC proposes the development of a multiplex cinema complex in the Old Town area, as well as restaurants, offices, apartments, retail shops and parking facilities. The cinema would be modeled after highly successful West Coast developments featuring state-of-the-art technology and the latest in movie theatre concepts.

Under the proposal, the City's participation would include development of additional parking facilities as part of the Old Town Parking District, and the construction of various street and sidewalk improvements. Approval of this agreement does not commit the City to participating in any part of the development. The agreement does give Civic Partners Wichita, LLC a 120-day period during which they would have the exclusive right to negotiate, for Council consideration, the details of a final agreement that sets forth the responsibilities of all parties in the proposed development project.

The financial impact of the proposed project is not known at this time. Full details of the financial considerations will be presented with the final approval.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Vice Mayor Rogers said he is becoming more and more adamant that the City Council adhere to stipulations currently in the Business Incentive and Revenue Bond requirements regarding inclusion of minorities in projects.

When properties return for final approval by the Council, close attention will be paid to these requirements being met.

Council Member Lambke

Council Member Lambke said he could support the motion strictly on paragraph ten of the agreement.

Motion -
-- carried

Cole moved that the Agreement to negotiate exclusively be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

COMMUNITIES SURVEY COMMUNITIES THAT CARE SURVEY.

Mary Beth

Mary Beth presented results of the Communities that Care Survey.

Agenda Report No. 99-598.

One of the Regional Prevention Center's (RPC) goals is to work to improve community collaboration and to mobilize community participation in order to address the local impact of substance abuse. To foster this goal, RPC has worked in partnership with the school district to initiate the Communities that Care School Survey. This survey measures the indicators of risk and protective factors within adolescent social environments. Those indicators help to predict adolescent health and behavioral problems of substance abuse, school dropout, juvenile delinquency, teen pregnancy and violence.

The results of the Communities that Care School Survey help to establish benchmarks for conditions within a community, family, school or peer group which put youth "at risk," or protect youth from adolescent health and behavioral problems. In addition to being a tool to measure the effectiveness of prevention activities, it also serves as valuable information to federal funding agencies such as: Office of Juvenile Justice Delinquency and Prevention; Office of National Drug Control Policy; Center for Substance Abuse Prevention and the National Department of Education.

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The survey was administered in December, 1998 and January of 1999, in a selected group of schools in Wichita. This was the first time the Risk and Protective Factor Survey was administered, however, a prior survey, conducted in 1994, measured some of the same conditions. A limited number of children (526) in Wichita public schools were scheduled to participate in the survey. Correspondingly 5,894 children in Sedgwick County were scheduled to participate and over 60,000 children statewide completed the survey. Participation by children in other jurisdictions will provide a statewide database on youth behaviors.

Due to the lack of historical data, results are inconclusive. However, data does suggest that prevention activities have an impact on children in grades six through eight, but diminishes in high school years. Continuation of the survey in future years will provide a stronger foundation for effective prevention strategies to address alcohol and substance abuse.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion – carried

Rogers moved that the Report be received and filed. Motion carried 6 to 0. (Knight absent)

DANGEROUS ANIMALS CONTROL OF DANGEROUS AND EXOTIC ANIMALS.

Charles Magruder

Health Director reviewed the Item and answered questions of the Council.

Agenda Report No. 99-599.

The presence of exotic animals such as lions, tigers, wolves, and bears within the City limits is generally prohibited under Section 6.04 of the City Code. The present code contains an exemption for "educational or zoological" institutions that has allowed unregulated exhibitions by individuals holding USDA permits. Some of these exhibits involve public contact with the animals, and bites have occurred.

In response to citizen concerns, the Board of Health held hearings addressing the need for regulation of dangerous exotic animal exhibitions. Based on the comments received, and additional information obtained by staff, the Board developed the standards contained in the attached ordinance.

The proposed ordinance would enhance public health and safety, while allowing properly licensed individuals to continue exhibitions. The ordinance would prohibit direct public contact with animals during transportation or exhibition by requiring physical barriers and secondary perimeter controls. The ordinance would also require registration of exhibitors and notification of the Health Department prior to each exhibition. Exhibitors would pay a \$ 100 registration fee annually, and be required to carry insurance listing the City and Health Department as additional insured parties.

Minimal staff time, and cost, will be required to enforce the ordinance. Exhibitor license revenue is estimated at less than \$ 500 annually.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard.

Ron Lyon

Ron Lyon, Attorney, spoke in opposition to the proposed change. There is a rabies vaccine. There has never been a case of rabies in a wild cat reported. Concerns have nothing to do with health.

Karen Gore

Karen Gore said her son was scratched, not bitten. Her son was not traumatized by the scratch but was traumatized by the fact that the cat had to be put to sleep to be tested.

Ms. Gore feels the public should be able to choose whether or not to come in contact with the animals.

Ellen Querner

Ellen Querner, PALS, spoke in favor of the ordinance, as written.

Council Member Pisciotte

Council Member Pisciotte said the ordinance should go on the Unfinished Business Agenda for second reading.

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Motion -- carried

Pisciotta moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance of the City of Wichita pertaining to the dangerous exotic animals; creating Chapter 6.08. of the Code of the City of Wichita; amending Section 6.04.040 of the Code of the City of Wichita; and repealing the original of Section 6.04.040, introduced and under the rules laid over.

PROPERTY DISP.

SALE OF PROPERTY, 201/221 EAST KELLOGG. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-600.

The City of Wichita has acquired two parcels of real property in the 200 block of East Kellogg in the course of acquiring right-of-way for the Kellogg flyover project. One parcel is the former Budget Car Rental lot at 201 E. Kellogg and the other is the former Family Inn at 221 E. Kellogg. Both of these properties are currently vacant and the City has listed them for sale. In February, 1999, the City mailed over 200 copies of a request for proposals (RFPs) to potential buyers, soliciting competitive proposals for the purchase of the aforementioned property. Seven proposals were received, including four from hotel operators, two of whom offered the top price of \$1 million for both of the parcels for sale. One of the two top bidders subsequently withdrew their offer. Staff has negotiated a real estate purchase contract with the successful bidder, Mike Bhakta of Houston, Texas (the "Buyer").

Under the terms of the proposed real estate purchase contract, the City agrees to finance the Buyer's purchase of the property. The Buyer will pay the City \$20,000 in Earnest money upon acceptance of the contract and \$80,000 cash at closing, for a total down payment of \$100,000. The City will carry a note from the Buyer, secured by a second mortgage on the property, in the amount of \$900,000. The note will be due and payable at the end of five years. Monthly payments based on 25-year amortization at 8% interest rate will begin upon reopening of the hotel. The Buyer agrees to invest at least \$1 million in improvements to the hotel property. A loan commitment from an approved lender will be a condition for the real estate closing, in order to ensure that the improvements to the property will be completed.

During the last several months, the market conditions in the hotel industry have begun to deteriorate and conventional financing for hotel properties has become difficult to obtain. An objective of the City has been the development of new and preservation of existing hotel space in the downtown area. Staff believes providing owner-carry financing is justified in order to preserve this property as a downtown hotel. At the end of the five-term term of the City's note, the Buyer will be required to obtain conventional financing.

The proposed real estate purchase contract includes standard restrictions for use of the property, including adult book and video stores, correctional facilities, half-way houses, drug or alcohol rehab facilities, new or used car lots, gambling facilities and advertising billboards. If the former hotel property is not reopened within two years of the date of closing, the City may repurchase the property for the amount paid.

The property will remain on the tax rolls.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that the sale and contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

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CITY COUNCIL AGENDA

TRAFFIC SIGNAL

TRAFFIC SIGNAL AT GREENBRIAR AND ROCK ROAD. (REQUESTED BY COUNCIL MEMBER PISCOTTE)

Council Member Pisciotte Council Member Pisciotte reviewed the Item.

Agenda Report No. 99-602.

Members of the Penstemon Home Owners Association (HOA) have been in contact with Staff looking at ways to make access out of the Penstemon Addition easier. Greenbriar is currently the only street serving the Penstemon Addition, and it accesses onto Rock Road. Due to the high number of vehicles that use Rock Road, access out of Greenbriar can be difficult during certain times of the day.

Traffic Engineering performed a traffic signal warrant study at two intersections along Rock, at Greenbriar and at Oxford. Neither intersection met warrants for a traffic signal. If the total volume of traffic at both intersections was combined, traffic signal warrants would be met. The Penstemon HOA looked into creating a connection between Oxford and Greenbriar, but it was ultimately decided that such a connection was not feasible.

The home owners also looked at the option of extending an existing fire lane out to 29th Street to give a second means of access to the subdivision. This extension would have required that one of the homes be purchased to provide adequate room for paving the extension. The home owners were concerned that the extension would be of limited improvement, since the volume of traffic on 29th Street will continue to increase, making 29th more difficult to access without the aid of a signal.

It is proposed that the intersection of Greenbriar and Rock be signalized on a temporary basis. The signal would be left in place until such time as a two-way left turn lane is installed in Rock Road. The two-way left turn lane would allow traffic to pull into the lane while waiting for a gap in traffic, allowing Rock Road to be crossed as two separate maneuvers.

Traffic Engineering opposes the installation of a traffic signal at Greenbriar and Rock due to the fact that no warrants for the installation of a signal are met. The Manual on Uniform Traffic Control Devices, which has been adopted for use by the City Code, clearly states that "Traffic control signals should not be installed unless one or more of the signal warrants in this Manual are met."

A traffic signal at the intersection of Rock and Greenbriar would cost approximately \$80,000 for installation, plus annual maintenance and operation costs. With the signal being installed on a temporary basis, some of the equipment could be used again on a future project when it has been removed from this location.

Installing a traffic signal that is not warranted by recognized traffic engineering standards could leave the City liable for any accidents that occur at the intersection.

Motion –
-- carried

Pisciotte moved that the temporary traffic signal be approved and the Resolution be adopted. . Motion carried 5 to 1. Gale - No. (Knight absent)

RESOLUTION NO. R-99-245

A Resolution authorizing the issuance of general obligation bonds of the City of Wichita, Kansas to pay all or a portion of the costs of purchasing and installing a traffic signal at the intersection of Rock Road and Greenbriar Street, presented. Pisciotte moved that the Resolution be adopted. Motion carried 5 to 1. Yeas: Cole, Lambke, Martz, Pisciotte, Rogers. Nays: Gale. (Knight absent)

CITY/COUNTY RES.

JOINT RESOLUTION RECOGNIZING A NEW ERA OF COOPERATION AND CIVILITY BETWEEN THE CITY OF WICHITA AND SEDGWICK COUNTY. (REQUESTED BY MAYOR KNIGHT /COUNCIL MEMBER PISCOTTE)

Council Member Pisciotte Council Member Pisciotte said the public wants more cooperation between the City and the County. It is time to ratify the compact between the Sedgwick County Commission Chairman Hancock and Mayor Knight.

Council Member Cole Council Member Cole stated that differences of opinion should not be considered violations of the compact.

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Vice Mayor Rogers Vice Mayor Rogers said there are some differences in priorities. The City's priority is the Citizens of the City of Wichita, not the citizens of Sedgwick County; however, that does not mean the City Council is not concerned regarding the citizens of Sedgwick County.

Council Member Pisciotte Council Member Pisciotte said the compact does not mean that there will be no disagreements. There should be functional conflict with the focus being on over all shared values.

Motion – carried Rogers moved that the Resolution. be ratified. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-230

A Resolution pledging in recognition of a new era of cooperation and civility between the City of Wichita and Sedgwick County, Compact 2000, presented. Rogers moved that the Resolution be ratified. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

APPOINTMENTS

APPOINTMENTS TO CITY ADVISORY BOARDS/COMMISSIONS.

Motion -- Gale moved that Karl Peterjohn (Library) and Allen Cob (Airport) be appointed and the appointments be approved.
-- carried Motion carried 6 to 0. (Knight absent)

Motion -- Pisciotte moved that Dorothy Cohen (Airport), Ed Wilson (P&F Retirement), Harold Schlechtweg (WER
-- carried Retirement) be appointed and that the appointment be approved. Motion carried 6 to 0. (Knight absent)

Motion -- Rogers moved that George Latimore (Housing) be appointed and that the appointment be approved. Motion
-- carried carried 6 to 0. (Knight absent)

Motion -- Cole moved that Gerald Layman (Library) be appointed and that the appointment be approved. Motion carried
-- carried 6 to 0. (Knight absent)

Motion -- Martz moved that Edwin Murabito (Codes), Randy Phillips (Zoning), Stan Sheldon (Historic Preservation), Ron
-- carried Marnell (MAPC), Bill Haggar (P&F Retirement), Dave Bayouth (Airport), Marvin Fisher (WER Retirement), and Ruth Wetta-Hall (Health) be appointed and that the appointment be approved. Motion carried 6 to 0. (Knight absent)

Council Member Cole left the Bench.

OFF AGENDA ITEM

HOG FARMING

Motion -- carried Pisciotte moved that an Item be taken up off the Agenda. Motion carried 5 to 0. (Cole, Knight; absent)

Council Member Pisciotte Council Member Pisciotte said that, this morning, Harvey County had decided to take no action on the hog farming issue.

Council Member Pisciotte urged the Council to remain vigilant on this matter.

Chris Cherches City Manager said a report, with recommendations on how to proceed, would be coming to the City Council on July 29th

Council Member Cole present.

CONSENT AGENDA

Rogers moved that the Consent Agenda, except Item 20a , be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Knight absent)

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 21, 1999.

Bids were opened June 18, 1999, pursuant to advertisements published on:

Lateral 379, Southwest Interceptor Sewer to serve Oakridge Second Addition - north of 29th Street North, east of Tyler. (468-82723/743797/480485) Does not affect existing traffic. City Council approval date: 7/15/97. (District V)

K C Excavating - \$70,605.00

Lateral 120, War Industries Sewer to serve Pebblebrook Addition - north of Pawnee, west of Webb. (468-82279/743798/480486) Does not affect existing traffic. City Council approval date: 2/23/93. (District II)

Nowak Construction - \$42,279.00

Water distribution system to serve Pebblebrook Addition - north of Pawnee, west of Webb. (448-89385 /734925/470595) Does not affect existing traffic. City Council approval date: 6/15/99. (District II)

Mies Construction - \$31,190.00

Water distribution system to serve Woodland Lake Estates Second Addition - north of Harry, east of Greenwich. (448-89365/734915/470585) Does not affect existing traffic. City Council approval date: 3/2/99. (District II)

H D Mills & Sons - \$45,290.00

Storm Water Sewer 524 to serve Hunters Ridge & Pawnee Mesa Additions - north of Pawnee, west of Maize. (468-82972/751277/485168) Does not affect existing traffic. City Council approval date: 3/30/99. (District V)

Nowak Construction - \$146,831.00 (Negotiated to engineer's estimate)

Water supply line to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (448-89151/734923/470593) Does not affect existing traffic. City Council approval date: 7/15/97. (District V); AND Water distribution system to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (448-89153/734924/470594) Does not affect existing traffic. City Council approval date: 7/15/97. (District V)

Mies Construction - \$61,695.00 (Total aggregate bid)

Eastern Avenue Bridge at Gypsum Creek - (south of Kellogg, east of Rock Road. (87 BRO-N-0088-01; 472-83067; 448-89318/715673; 635532/248081; 544653) Bridge to be closed during construction. City Council approval date: 6/2/98. (District VI)

Utility Contractors - \$509,644.30

Pave Meridian Avenue, from 53.706 M north of Maple to 53.439 M north of north line of Caroline and from 31.501 M south of south line of St. Louis to 5.287 M south of St. Louis - north of Maple to south of Central. (472-82740/706408 /405194) One way northbound traffic to be maintained at all times. City Council approval date: 9/15/98. (Districts IV and VI)

Cornejo & Sons Construction - \$2,424,986.80

Rogers moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

Douglas Streetscape Project, Award of Construction Contract. (Districts I & VI)

Pave Douglas, Main to Topeka, and Topeka, Douglas to William; new water main in Douglas between Main and the east side of Topeka; and new water main in Topeka between Douglas and William. (472-82655/448-88965/706473/636019/405201/778150) Traffic to be maintained during construction using flagpersons and barricades. City Council approval dates: 1/6/98 & 1/9/96.

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Agenda Report No. 99-622 Revised.

The Douglas Street project is one of the major improvements approved in the Core Area Plan. The project involves the reconstruction of Douglas Street, from Main to Topeka; and Topeka from Douglas to Waterman. This project is one of the major improvements planned in the business district.

Plans were reviewed with the Downtown Development Corporation Board who have made the recommendation to proceed with the project on the schedule proposed, including the electrical installations.

This project was bid in 1998 in conjunction with the Vest Pocket Park on Douglas; however, the bids on the project exceeded the available funds. Following this process, a constructability conference with construction representatives was held to explore methods to reduce costs. A number of revisions to the plans were made to reduce the construction costs. Bids were received again on June 11, 1999, for the revised project.

The project includes necessary options because to delay them would not necessarily result in lower costs if bid separately; especially, it would require some tearing and repairing work. The proposed project will involve Douglas Street, Topeka, electrical work for seasonal lighting, water and sewer work, and water proofing of basements affected by the construction work.

If approved by the City Council, work will begin this summer and be substantially complete by RiverFest 2000. Because of the desire to keep two lanes of traffic open, the project will take longer to fully construct. The entire project will be completed by late summer in 2000.

Construction work will be coordinated with the businesses along Douglas to ease the inconvenience that will occur during construction work.

The project is contained in the City's Capital Improvement Program. The base bid for the project, including recommended alternatives, will cost \$3,846,268.50. The added funding to complete the project will be taken from savings from other capital projects in the City's Capital Improvement Budget.

Motion --

-- carried

Rogers moved that the Douglas and Topeka Street projects with designated alternatives be approved; the Contract be awarded to Cornejo and Sons; the bonding Ordinance for capital funding be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance amending Ordinance No. 43-304 of the City of Wichita, Kansas, declaring Douglas from Main Street to Topeka and Topeka from Douglas to William to be main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Above Ground Two-Post Vehicle Lift Installation (130807)

Myers Brothers – \$12,144.00 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Riding Front Deck Mower (183632)

Outdoor Equipment Co. - \$13,000.00 (Total net bid plus applicable sales tax)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Ice Cube Machine (785725)

Smithy's Refrigeration Inc. - \$13,000.00 (Total net bid)

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VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Welding Gases (130849)

Wichita Welding Supply, Inc. - \$.018 (Item # 1/per cu. ft.)
\$.020 (Item # 2/per cu. ft.)
\$.020 (Item # 3/per cu. ft.)
\$.079 (Item # 4/per cu. ft.)
\$.080 (Item # 5/per cu. ft.)
\$.080 (Item # 6/per cu. ft.)
\$.080 (Item # 7/per cu. ft.)
\$.019 (Item # 8/per cu. ft.)
\$.018 (Item # 9/per cu. ft.)
\$.100 (Item #10/per cu. ft.)

CITY MANAGER DEPARTMENT/NA DIVISION: Publication of Legal Notices (032102)

The Daily Reporter - \$0.55 (Item #1/cost per line)

WICHITA TRANSIT/NA DIVISION: Four-Wheel Drive Skid Steer Loader with Trailer (629378)

White Star Machinery & Supply - \$25,014.00 (Total net bid)

POLICE DEPARTMENT/NA DIVISION: Gas Chromatograph/Mass Selective Detector (600528)

Hewlett-Packard Company - \$84,391.20 (Total net bid)

Rogers moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption off Premises)</u>
Tim Heuback	Quiktrip #313	3164 South Hillside
Tim Heuback	Quiktrip #315	1530 South Maize Road
Tim Heuback	Quiktrip #320	1021 West 31st South
Tim Heuback	Quiktrip #321	6011 West Central
Tim Heuback	Quiktrip #325	1414 North Oliver
Tim Heuback	Quiktrip #326	2010 South Broadway
Tim Heuback	Quiktrip #328	2801 South Hydraulic
Tim Heuback	Quiktrip #329	5602 East Harry
Tim Heuback	Quiktrip #343	242 South Tyler
Tim Heuback	Quiktrip #345	4020 South Meridian
Tim Heuback	Quiktrip #347	1532 South Seneca
Tim Heuback	Quiktrip #349	1112 West Douglas
Tim Heuback	Quiktrip #353	110 South Rock Road
Tim Heuback	Quiktrip #356	4808 South Hydraulic
Tim Heuback	Quiktrip #358	7120 West 21st North
Tim Heuback	Quiktrip #360	3933 West 13th Street
Tim Heuback	Quiktrip #366	1620 South Webb Road
Tim Heuback	Quiktrip #368	626 West 21st North
Tim Heuback	Quiktrip #369	3216 East Harry
Tim Heuback	Quiktrip #372	3106 East Pawnee
Tim Heuback	Quiktrip #373	1610 East Lincoln
Tim Heuback	Quiktrip #374	10315 West 13 th Street
Tim Heuback	Quiktrip #376	2106 South Rock Road
Tim Heuback	Quiktrip #378	5611 South Broadway
Tim Heuback	Quiktrip #384	2510 West Pawnee
Tim Heuback	Quiktrip #386	1010 East Douglas
Tim Heuback	Quiktrip #388	7991 East 37th North
Tim Heuback	Quiktrip #389	4730 East Central

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Tim Heuback	Quiktrip #391	730 North Broadway
Tim Heuback	Quiktrip #396	333 South West Street
<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Paul A. Thomas	Swing-Rite Golf, Inc.	6655 East Harry
		<u>(Consumption off Premises)</u>
Iraj Kapanpour	AM Conoco	12700 East Central
	(Aria Enterprise)	
Pat Edwards	Sav-A-Trip, Inc. #28	10502 West 21st
<u>New Operator</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Richard A. Diamond	Ty's Diner*	928 West Second

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion.-- Rogers moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Knight absent)

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

- a. Lateral 114, Dry Creek Sewer 2, Sanitary Sewer #12 to serve Davis Mt. Vernon Estates - north of Mt. Vernon, east of Hillside. (468-82764/743796/480484) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/25/97. (District III)
- b. Patterson from Broadway to the east line of Henry Jones Addition Bromilow's South Broadway Addition and Unplatted Tracts - west of Broadway. (472-82851/764381/490541) Traffic to be maintained through construction using flagpersons and barricades City Council approval date: 6/10/97. (District III)
- c. 32nd Street North from the east line of Coolidge to the west line of Porter Wilfred E. Wheeler's Replat Addition. (472-83020/765479/490649) Traffic to be maintained through construction using flagpersons and barricades City Council approval date: 10/20/98. (District VI)

Motion -- Rogers moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids
- carried to be submitted to the Board of Bids and Contracts by 10:00 a.m., July 2 1999. Motion carried 6 to 0. (Knight absent)

SUBDIVISION PLANS AND SPECIFICATIONS:

- a. Lateral 10, District 1, Sanitary Sewer 12 to serve Sunnyside Village Addition -- north of Orme, west of Lorraine (468-82850/743792/480480) Does not affect existing traffic. City Council approval date: 2/23/99. (District I)
- b. Water distribution system to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (448-89278/734912/470582) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/23/99. (District I)

Motion -- Rogers moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids
-- carried to be submitted to the Board of Bids and Contracts by 10:00 a.m., July 2, 1999. Motion carried 6 to 0. (Knight absent)

STATEMENT OF COST PARTIAL STATEMENT OF COST.

- a. (First partial) estimate of cost for the improvement to parking garage Keen Kutter Hotel - \$3,300,000, less financing previously issued - \$0. Financing to be issued at this time - \$3,300,000. -- (791269/435-229)

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Motion --
- carried

Rogers moved that the Statement of Cost be approved and filed. Motion carried 6 to 0.
(Knight absent)

PETITIONS

PETITION TO. PAVE CRANBROOK AND CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE HUNTCREST SECOND ADDITION – SOUTH OF HARRY, EAST OF WEBB. (District II)

Agenda Report No. 99-603.

The Petitions have been signed by one owner representing 100% of the improvement district.

These improvements will serve a residential development.

The estimated project cost is \$179,000. The funding source is special assessments.

Motion --
-- carried

Rogers moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-238

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system Number 448-89397 (south of Harry, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

RESOLUTION NO. R-99-239

Resolution of findings of advisability and Resolution authorizing improving of Cranbrook from the north line of Lot 1, Block 6, south to the south line of the plat; Mt. Vernon from the east line of Cranbrook, east to the east line of the plat; and sidewalk along both sides of Cranbrook, from the north line of Lot 1, Block 6, south to the south line of the plat, (Project No. 472-83122) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE THE LEGACY ADDITION – WEST OF MERIDIAN, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 99-604.

The Petitions have been signed by one owner representing 100% of the improvement districts.

These improvements will serve a new residential development.

The projects total \$559,400. The funding source is special assessments.

Motion --
-- carried

Rogers moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-241

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89392 (west of Meridian, south of MacArthur) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-240

Resolution of findings of advisability and Resolution authorizing construction of Lateral 431, Southwest Interceptor Sewer (west of Meridian, south of MacArthur) Project No. 468-82997 in the City of Wichita, Kansas,

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pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-242

Resolution of findings of advisability and Resolution authorizing improving of 43rd Street South from the west line of Lot 18, Block 8, to the west line of Meridian; 44th Street South from the west line of Lot 13, block 11, to the west line of Meridian; Richmond from the north line of 44th Street South to the south line of 43rd Street South; Richmond Court from west line of Richmond to and including the cul-de-sac; and sidewalk on the south side of 43rd Street South, from the west line of Lot 18, Block 8, to the west line of Meridian and on both sides of 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Electrical Appeals, 5-11-99
CPO Southeast Council 3, 6-10-99
CPO Southwest Council 4, 6-10-99
MAPC, 4-15-99
Wichita Airport Authority, 5-3-99

Motion – carried

Rogers moved that the Minutes be received and filed. Motion carried 6 to 0. (Knight absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

(Item No. 20a

Agenda Report No. 99-623.

The following street closure request has been submitted:

Celebrate 99

Closure: McLean Blvd., Maple to Douglas

8:00 a.m. July 3 through 11:00 p.m., July 4, 1999.

Also, Maple, from Water to Sycamore, July 4, game time until 11:00 p.m.

Chris Cherches

City Manager said a compromise has been reached regarding the requested street closure. The following has been accepted and is recommended for approval:

Sunday, July 4, 1999, only:

Maple, from Water to Sycamore - close just before the fireworks begin and open immediately following.

McLean Blvd, Maple to Douglas - close only the far western lane. Eastern lane on same side to remain open to accommodate two-way traffic. To be closed only Sunday, July 4, 1999, 8:00 a.m. until immediately following the fireworks.

Motion –
-- carried

Rogers moved that the street closure, as adjusted, subject to the usual requirements, be approved. Motion carried 6 to 0. (Knight absent)

Agenda Report No. 99-624.

Cornejo and Sons, Inc. has contracted to reconstruct Meridian Avenue between Maple and Central. Work is expected to begin Wednesday, June 23 with the project open to full traffic movements by December 17, 1999 and total project completion by May, 2000. The project documents require the Contractor to maintain one-way northbound traffic on Meridian during the construction of the three-lane pavement section. As the intersection of Second and Meridian is reconstructed, there will be times when either westbound or eastbound traffic will be allowed. Traffic will be maintained on Douglas in one lane each direction.

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During the reconstruction of this section of Meridian, northbound traffic will be maintained and southbound traffic will be detoured using McLean, Seneca and Maple streets. The Contractor is responsible for all necessary construction signs, barricades, and detour signing.

Motion -- carried Rogers moved that the partial street closure be approved. Motion carried 6 to 0. (Knight absent)

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR OAK RIDGE SECOND ADDITION – NORTH OF 29TH NORTH, EAST OF TYLER. (District V)

Agenda Report No. 99-605.

The City Council approved the Oak Ridge Second Addition plat on July 15, 1997.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in the Oak Ridge 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$38,390, and will be paid by special assessments.

Motion Rogers moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Knight absent)

WORKSITE AGMT.

COOPERATIVE WORK SITE AGREEMENT (WEP)

Agenda Report No. 99-606.

For almost fifteen, years the City of Wichita has participated as a Cooperative Work Site in the Work Experience Program (WEP) in cooperation with the State of Kansas' Department of Social and Rehabilitation Services' Wichita Area Office.

The program places State benefits recipients with employers as volunteers for training and work experience. There are currently twelve CWEP volunteers working in six City departments.

Through this program the City receives significant volunteer help. Also, the City has frequently hired WEP volunteers for regular job openings for which they are qualified and have successfully completed the normal selection process.

There is no payroll cost to the City for the program. When the work being performed would normally require the City's drug screen and pre-employment physical process, there is the usual cost for that. This is insignificant compared to the value of the help received. There is staff time involved in coordinating with the SRS and supervising the volunteers. Workers' Compensation costs are covered by the State.

Motion Rogers moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Knight absent)

SENECA STREET

SUPPLEMENTAL AGREEMENT FOR SENECA FROM TEXAS TO MCLEAN. (District IV)

Agenda Report No. 99-607.

On August 18, 1998, the City approved an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design Seneca from Texas to McLean.

Originally MKEC was to revise plans prepared by Larkin & Associates for the water line improvements associated with the project. Because the plans were incomplete, MKEC will be required to perform additional design work beyond what was initially contemplated. Also, additional survey was required because the previous field survey notes were insufficient. MKEC also has recommended a bus-loading lane in front of Allison Middle School and is

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requesting additional funds to design the bus pull-off. MKEC is also requesting additional funds to cover additional time spent in meeting with the artist consultant and attend additional public meetings.

Payment will be on a lump sum basis of \$18,330, and will be paid by General Obligation Bonds.

Motion --
-- carried

Rogers moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

DOUGLAS BRIDGE

CHANGE ORDER: DOUGLAS AVENUE BRIDGE OVER THE ARKANSAS RIVER. (Districts I, IV, and VI)

Agenda Report No. 99-608.

On May 5, 1998, the City Council approved a contract to replace the Douglas Avenue Bridge over the Arkansas River. A part of the work involves driving piles into the riverbed to support the structure. The riverbank area south of the bridge, adjacent to A. Price Woodard Park, contains an inlet that is scheduled to be removed with the next riverbank improvement project. A change order has been negotiated with the bridge contractor to perform the work while the river has been lowered, using the heavy equipment that is already at the work site.

The work consists of installing 90 lineal feet of permanent sheet pile and back-filling the inlet area.

The cost of the additional work is \$18,517. It will be charged to the Waterwalk Project. The funding source is General Obligation Bonds.

Motion – carried

Rogers moved the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

21ST STREET

CHANGE ORDER: 21ST STREET IMPROVEMENT, EAST OF WEBB. (District II)

Agenda Report No. 99-609.

On April 20, 1999, the City Council approved a project to upgrade 21st Street North, east of Webb. At the time of bidding, it was thought that the work could be done without carrying two-way through traffic. However, Sedgwick County is reconstructing 13th Street North, east of Webb, and has restricted traffic at that location. Therefore, a change order has been negotiated to provide for two-way traffic on 21st Street.

The Change Order provides for a temporary asphalt lane for the length of the project.

The cost of the additional work is \$45,000. Funds are available within the 21st Street project budget. The funding source is General Obligation Bonds.

Motion – carried

Rogers moved the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

GO BOND SALE

GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 199) AND GENERAL OBLIGATION BOND SALES (SERIES 756, SERIES 757, SERIES 954, AND SERIES 955).

Agenda Report No. 99-610.

The City is planning to offer for sale one series of general obligation temporary notes totaling \$26,015,000, two series of general obligation bonds totaling \$22,255,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City, and two series of general obligation bonds totaling \$7,600,000 for the purpose of providing temporary and permanent financing for Tax Increment Finance (TIF) related projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on July 20, 1999, at which time sealed bids will be opened and the City Council will award the sale of each series of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

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The City's Summer 1999 general obligation bond and note sale includes the following issues:

Temporary Notes: The proceeds from the sale of the Series 199 Temporary Improvement and Renewal Notes will be used to provide interim financing for various City-at-large and improvement district projects:

Series 199

Project Category	Total
Arterial Paving	1,311,000
Bridges	2,170,000
Park	211,500
Public Improvements	654,900
Neighborhood Improvements – Water	4,689,000
Neighborhood Improvements - Sewers	4,113,000
Neighborhood Improvements – Paving	10,646,600
Neighborhood Improvements - Storm Sewer	<u>2,219,000</u>
 TOTAL SERIES 194 NOTES	 \$26,015,000

“Special Assessment Bonds”: The proceeds from the sale of the Series 756 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 756 Bonds. The Special Assessment Bonds will be issued in the par amount of \$10,215,000.

“City-At-Large Bonds”: The proceeds from the sale of Series 757 Bonds will be used to permanently finance certain City-at-large projects, including arterial streets, traffic engineering improvements, bridges, public improvements and buildings, park improvements, golf course improvements, and neighborhood paving projects. The City-at-large Bonds will be issued in the total par amount of \$12,040,000.

“Tax Increment Finance (TIF) Bonds”: The proceeds from the sale of the Series 954 and Series 955 Bonds, herein referred to as the “TIF Bonds” will be used for public improvements located within the Gilbert/Mosley and Old Town Tax Increment Financing Districts, respectively. Kansas Statutes allow for cities to finance public development or redevelopment of blighted areas, conservation areas, or areas designated as enterprise zones with incremental real estate taxes. Tax increment funds collected within each defined area will be used to pay all or a portion of the costs of the projects located within the TIF district.

The Series 199 Temporary Notes will mature on February 24, 2000 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

The Series 756 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 756 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from city-wide ad valorem taxes. The Special Assessment bonds will be callable in 2006 with a 1% call premium.

Series 757 City-at-large bonds will mature serially over 10 years in equal principal amounts and will be paid as to principal and interest primarily from city-wide ad valorem tax revenues. The City-at-large bonds will be callable in 2004 with a 1% call premium.

The Series 954 TIF Bonds will mature serially over 10 years with principal maturities structured to produce payments which fall within the net tax increment revenue stream. The Series 954 TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 954 TIF Bonds will be callable in 2004 with a 1% call premium.

The Series 955 TIF Bonds will mature serially over 15 years. Maturities are structured to fall within the net tax increment and guest tax revenue streams. The Series 955 Bonds are payable from the collection of guest taxes from the Old Town Hotel and from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 955 Bonds will be callable in 2006 with a 1% premium.

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Motion --

Rogers moved that the Resolutions authorizing the City Clerk to publish the Notice of Bond Sale and Notice of Note Sale, and setting the public sale of General Obligation Bonds and Notes for 10:30 a.m., July 20, 1999, be adopted. Motion carried 6 to 0. (Knight absent)

-- carried

RESOLUTION NO. R-99-243

A Resolution authorizing the City Clerk to publish the Notice of Bond Sale and Notice of Note Sale, and setting the public sale of General Obligation Bonds and Notes for 10:30 a.m., July 20, 1999, presented. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

1999 GRANT BUDGET

FY 1999 COMPREHENSIVE GRANT BUDGET SUBMITTAL.

Agenda Report No. 99-611.

The Department of Housing and Urban Development (HUD) awards the City of Wichita Housing Authority (WHA) funding to be administered under the guidelines of the Comprehensive Grant Program to modernize and update units in the WHA inventory. Because the WHA has more than 250 housing units, Comprehensive Grant funds are awarded each year on a formula basis. Eligible public housing authorities (PHAs) share a national allocation with each housing authority receiving an amount determined by a calculation using various characteristics of housing authorities' total inventories.

PHAs are required to prepare five-year Action Plans and annual updates for the Comprehensive Grant program based on the allocation of the beginning year of the Comprehensive Grant Program. The WHA submitted its current five-year Plan in 1997. This is the third year of that five-year Plan.

The WHA Property Management Supervisor, Property Managers, Modernization Coordinator, Maintenance Coordinator, housing inspectors, and maintenance staff have assessed the physical and management needs of the Housing Authority. Additional input was received from residents at a public hearing and meetings with the tenant associations in each of the developments. Identified needs have been incorporated into the proposed 1999 budget.

The Board of Housing Commissioners has reviewed and recommends approval of the proposed FY1999 Comprehensive Grant budget. Following City Council approval, the budget will be submitted to HUD.

The approved formula allocation for the fiscal year 1999 and subsequent years of the five-year Action Plan is \$1,207,523.00. Funding will be expended in accordance with the attached proposed budget.

Motion -- carried

Rogers moved that the budget be approved for submittal to HUD. Motion carried 6 to 0. (Knight absent)

COMPUTER/DATA

WATER TREATMENT PLANT COMPUTER SYSTEM UPGRADE.

Agenda Report No. 99-612.

The City's water treatment plant treats and supplies safe drinking water to Wichita and its environs. The plant utilizes a computer system to monitor and operate all of the essential equipment at the treatment plant. This system was judged to be essential operational equipment, and given a high priority for determining its Y2K compliance, and it has been determined that the existing system is not yet fully compliant. On March 30, 1999 the Council authorized a project for \$175,000 to upgrade this computer system to achieve Y2K compliance, and on May 11, 1999 the Council approved a contract with A.W. Schultz to perform the upgrade.

Prior to initiating the project in March, staff solicited estimates on the cost of upgrading the system, and used cost estimates obtained from vendors to prepare the project budget. Unfortunately, the estimates did not include the cost of the new software program required for the system. Thus, the estimated costs were not fully complete to make the system compliant. The necessary software program will cost and additional \$30,000. To assure that the new computer system would be operational in September, 1999, the bid proposal included significant liquidated damages if the contract was not completed on time. The final price of the hardware and the required software requires that the budget for the project be increased. Staff recommends that the budget be increased by \$35,000.

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A new CIP project, W-805, with a budget of \$175,000 was created for this project, using funds transferred from CIP W-115, Water Treatment Plant Upgrade. Adequate funds are available in W-115 to fund the recommended increase in W-805.

Motion -- carried

Rogers moved that CIP be amended and the funding allocation be increased to \$210,000. Motion carried 6 to 0. (Knight absent)

WATER MAIN

CONSTRUCTION OF A 30-INCH WATER MAIN AT 21ST FROM 127TH EAST TO WEST OF ANDOVER ROAD.

Agenda Report No. 99-613.

The City of Wichita provides treated drinking water to 331,000 people. The service population is projected to increase to over 438,000 by 2010. To ensure that future water needs of the service area are met, the Water & Sewer Department initiated a study of its water system. The Water Master Plan recommends a number of significant system improvements to ensure adequate service levels now and in the future. On January 6, 1998, the City Council approved the design of Capital Improvement Program (CIP #W-525).

The 30-inch water main in 21st Street from 127th Street East to west of Andover Road is a continuation of the existing 36-inch water main in 21st Street and part of the northeast loop recommended by the Water Master Plan. The design of this project has been completed. The construction of this project will provide additional pressure, volume, and fire flow to the northeast section of the City and allow for future growth. It will also provide a portion of the water supply for the City of Andover.

The project (CIP #W-525) had a design budget of \$70,000 in 1998, and requires a budget for \$1,000,000 for construction 1999. The project expenses will be paid from revenue bond proceeds and/or Water Utility cash reserves.

Motion --

-- carried

Rogers moved that the project and notice of intent to publish be approved; and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO R-99-244

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1 million exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

SOUTH LAKES

CONCESSIONS AT SOUTH LAKES SPORTS COMPLEX, PROPOSAL #1999-19. (District IV)

Agenda Report No. 99-614.

After receiving and reviewing proposals from qualified vendors to provide food and beverage concession services to the public at the softball fields at the South Lakes Sports Complex, the Department of Park and Recreation has selected Grandpa's Goodies as the qualified vendor.

Grandpa's Goodies has been selected as the independent contractor to provide food and beverage concessions for a period of one year from the date of the contract. The contract is automatically renewable each year by mutual consent of both parties. The vendor agrees to reimburse the City 25% of gross revenues from the sale of all food and beverage concessions on a monthly basis.

Grandpa's Goodies will pay the City 25% of the gross revenues from the sale of all food and beverage concessions, on a monthly basis, for a period of one year.

Motion -- carried

Rogers moved that the vendor be approved. Motion carried 6 to 0. (Knight absent)

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 15, 1999)

a

a. Industrial district non-annexation Ordinances for Cessna Aircraft Company. (Districts III and V)

ORDINANCE NO. 44-276

An Ordinance authorizing the execution of a Supplemental Contract to a Contract dated May 15, 1979, and amended July 21, 1987, by and between the City of Wichita, Kansas, and the Pawnee Industrial District of Sedgwick County, Kansas, relating to the annexation by said city of any part of such industrial district, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

ORDINANCE NO. 44-277

An Ordinance authorizing the execution of a Supplemental Contract to a Contract dated May 15, 1979, and amended July 21, 1987, by and between the City of Wichita, Kansas, and the Wallace Industrial District of Sedgwick County, Kansas, relating to the annexation by said city of any part of such industrial district, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

b. Weed cutting.

ORDINANCE NO. 44-278

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

c. Z-3260 – east side of Meridian, on the south side of MacArthur Road. (District IV)

ORDINANCE NO. 44-279

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent) Z-3260

d. SCZ-0772– north of Central and east of Webb Road.

ORDINANCE NO. 44-280

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. , read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent) SCZ-0772

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 30, 32, 33, and 34 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --
-- carried

Rogers moved that Planning Agenda Items 30, 32, 33, and 34 be approved as consensus Items. Motion carried 7 to 0.

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V-2172

V-2172 - REQUEST TO VACATE 10-FOOT UTILITY EASEMENT LOCATED IN AN AREA EAST OF BROADWAY AND NORTH OF MACARTHUR ROAD. (District III)

Agenda Report No. 99-615.

Staff Recommendation: Approve vacation of 10-foot utility easement.
MAPC Recommendation: Approve vacation of 10-foot utility easement. (unanimous)

The applicant is requesting to vacate a 10-foot utility easement to allow the construction of a commercial building.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant meeting with KG&E about the relocation of the utility pole(s) in this easement. KG&E has submitted a letter allowing the easement to be vacated. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Rogers moved that the vacation order be approved and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

(Item No. 31)
V-2174

V-2174 - REQUEST TO VACATE ACCESS CONTROL LOCATED IN AN AREA NORTH OF 21ST STREET AND EAST OF NORTH SHORE BOULEVARD. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-616.

Staff Recommendation: Approve vacation of access control.
MAPC Recommendation: Approve vacation of access control. (unanimous)

The applicant is requesting to vacate access control to allow for left turn movements from this property (Lot 11) to 21st Street North. Currently, the plat limits this lot to one right turn only opening, as does the CUP (DP-75). The applicant is proposing to construct a new building on-site for Players, a sports bar.

A cross lot access agreement was recorded between this lot and the lot to the west (Lot 10), which is developed with a bank. The lot to the west is permitted one right turn only opening to 21st Street North and also has access to North Shore Boulevard, the street west of Lot 10. This street is permitted left turn movements at 21st Street North. Due to this cross lot access agreement, patrons to Lot 11 (Players), were intended to make left turns onto North Shore Boulevard from 21st Street North and then make their way to Lot 11 across the bank's property (Lot 10). 21st Street North pavement at North Shore Boulevard and also at Hoover Road is wide enough to make U-turns also, if this Median break is permitted, it will remove most of the median landscaping located along the Sedgwick County Park and Zoo.

Due to the ever increasing traffic along 21st Street North (16,623 average daily trips) today in this location and the existing divided and landscaped roadway, planning staff did not feel the vacation was appropriate. However, both the City and County Engineering Departments approved this request, so planning staff dropped their protest of this vacation. However, planning staff did request that the frontage of 21st Street be platted with more than the minimum landscaping and that the new medial be approved by the County Engineer for engineering purposes and by the Planning Director for aesthetic purposes, due to the close proximity to the Sedgwick County Zoo and Park.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant submitting an administrative adjustment to the CUP to remove the right turn only language from the CUP review of the plans for modifying the medial, and submission of a covenant by which the current owner acknowledges and places on record for future owners that the City or County reserve the right to close this medial for safety reasons in the future. No written protests have been filed.

After the MAPC hearing, staff learned from the applicant's agent that the applicant objects to signing the proposed covenant.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Discussion was had and it was determined that, under the police powers of the City, if needed, the City can close the medial at any time in the future.

Council Member Cole

Council Member Cole would like, at some future time, to consider this as a policy issue.

Motion --

-- carried

Martz moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

S/D 98-108

S/D 98-108 - PLAT OF ABERDEEN THIRD ADDITION LOCATED ON THE NORTH SIDE OF 21ST STREET NORTH, EAST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-617.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

A zone change (Z-3307) from SF-6, Single-Family Residential to TF-3, Two-Family Residential has been approved for a portion of this site subject to platting.

Petitions, all 100%, have been submitted for sanitary sewer, paving, water and storm sewer improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. An easement has been submitted for a temporary turnaround.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, restrictive covenants and easement will be recorded with the Register of Deeds.

Motion --

-- carried

Rogers moved that the Petitions and plat be approved and the necessary signatures be authorized; the document(s) be received and filed; the Resolutions be adopted; and the associated zone change Z-3307 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-246

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89402 (north of 21st, east of 119th Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-247

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89403 (north of 21st, east of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

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RESOLUTION NO. R-99-248

Resolution of findings of advisability and Resolution authorizing construction of Lateral 432, Southwest Interceptor Sewer (north of 21st, east of 119th Street West) Project No. 468-83004, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-249

Resolution of findings of advisability and Resolution authorizing construction of Lateral 433, Southwest Interceptor Sewer (north of 21st east of 119th Street West) Project No. 468-83005, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-250

Resolution of findings of advisability and Resolution authorizing improving of Shefford from the south line of Lot 38, Block 3, to the north line of said Addition; Shefford Courts, two adjacent to Lots 3 to 14, Block 4 one adjacent to Lots 7 to 15, Block 3, one adjacent to Lots 16 to 25; Block 3, one adjacent to Lots 30-36, Block 3, one adjacent to Lots 16 to 29, Block 5, and one adjacent to Lots 34 to 40, Block 5, Neville from the east line of Aberdeen Third Addition to the west line of Lot 10, Block 5; Neville Court adjacent to Lots 1 to 10, Block 5, and; sidewalk along one side of Shefford and Neville, Project No. 472-83125 (north of 21st, east of 119th street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-251

Resolution of findings of advisability and Resolution authorizing improving of Shefford Circle adjacent to lots 43 through 50 and 52 through 59, Block 3; Shefford from the south line of Lot 38, Block 3, to the east line of said addition; Covington from the north line of 21st Street North to the north line of said addition; Covington Courts, one adjacent to Lots 2 through 10, Block 1, two adjacent to Lots 14 through 33, Block 1, and one adjacent to Lots 1 through 5, Block 2 and; sidewalk along one side of Covington, Project No. 472-83126 (north of 21st, east of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (Z-3307)

S/D 98-110

S/D 98-110 - PLAT OF WESTPORT INDUSTRIAL PARK 7TH ADDITION LOCATED ON THE EAST SIDE OF WEST STREET, SOUTH OF PAWNEE. (District IV)

Agenda Report No. 99-618.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned LI, Limited Industrial. Petitions, all 100%, have been submitted for sanitary sewer, water, paving and drainage improvements. A Certificate of Petitions has also been submitted.

As required by the drainage plan for this site, an off-site drainage easement was required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

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The Certificate of Petitions and drainage easement will be recorded with the Register of Deeds.

Motion --
-- carried

Rogers moved that the Petitions and plat be approved and the necessary signatures be authorized; the document(s) be received and filed; the Resolutions be adopted;. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-252

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89401 (south of Pawnee, west of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

RESOLUTION NO. R-99-253

Resolution of findings of advisability and Resolution authorizing construction of Lateral 434, Southwest Interceptor Sewer (south of Pawnee, west of West Street) Project No. 468-83001, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

RESOLUTION NO. R-99-254

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 525 (south of Pawnee, west of West Street) Project No. 468-83002, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent)

RESOLUTION NO. R-99-255

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 147 (south of Pawnee, west of West Street) Project No. 468-83003, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

RESOLUTION NO. R-99-256

Resolution of findings of advisability and Resolution authorizing improving of West Court from the east line of West Street to and including cul-de-sac serving Lots 2 and 3, Block A, Project No. 472-83124 (south of Pawnee, west of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight absent).

Z-3322

Z-3322 - ZONE CHANGE FROM "GO" GENERAL OFFICE AND "MF-29" MULTI-FAMILY TO "LI" LIMITED INDUSTRIAL, LOCATED NORTH OF HARRY AND EAST OF ST. FRANCIS. (District I)

Agenda Report No. 99-619.

MAPC Recommendation:	Approve, subject to Platting within one year and to the additional provisions of a protective overlay.
CPO Recommendation:	Approve, subject to Platting within one year and to the additional provisions of a protective overlay.
Staff Recommendation:	Approve, subject to Platting within one year and to the additional provisions of a protective overlay.

The applicant is requesting to rezone a .48 acre tract located north of Harry and east of St. Francis from "MF-29" Multi-family and "GO" General Office to "LI" Limited Industrial. This would allow for the expansion of an existing business, located on the two platted lots south of the application area. The applicant has stated that the

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business at this location does custom coating, painting, and/or baking of products brought to them as well as manufacturing of plastic window well covers. In the future, the applicant might do other manufacturing of products that are similar to the products brought to them as part of the custom coating, painting, and baking business. The applicant has stated that there are 15 persons currently employed at this location and with the expansion another 10 could possibly be hired.

The applicant has submitted a site plan of the entire ownership, which shows an existing 15,916 square foot complex and a 12,160 square foot expansion consisting of a new building (20 feet tall) with the possibility of adding a 4,400 square foot building in the future. These buildings would be used for office uses, manufacturing, and warehousing. The Unified Zoning Code requires one parking space per 250 square feet of office, one parking space per 500 square feet of manufacturing and one parking space per 1,000 square feet of warehousing for the first 20,000 square feet. As shown on the site plan submitted by the applicant, which has 3,360 square feet of office space, 10,300 square feet of manufacturing space and 10,600 square feet of warehousing space, a total of 46 parking spaces would be required. There are a total of 52 parking spaces shown on the attached site plan. The two parking spaces along Harry just north of the entrance should be removed to allow better access to the site as well as the two handicapped spaces to the east of this opening.

The two homes currently located on site and shown on the site plan along Santa Fe will remain at this time but could be removed in the future for more parking. The northern most home will become a nonconforming use if the rezoning is approved for "LI," while the southern home is currently a nonconforming use and is grandfathered. Single-family homes are not permitted in the "LI" district.

The applicant would be required to provide the following: a landscaped street yard along St. Francis for the north 64 feet of the application area and along Santa Fe for the north 67 feet of the application area and along Harry; a fifteen foot buffer would also be required along the rear and side yard where adjacent to residential zoning (North property line and along Santa Fe and St. Francis); parking lot screening and landscaping along Harry and along St. Francis and Santa Fe where across from residential zoning; and a solid screening fence along the north property line and St. Francis and Santa Fe where across from residential zoning.

This business is located one block west of the Union Pacific Railroad. In the future, there is a possibility of an overpass being constructed over this rail line. If this is constructed, the concept plan shows that direct access to Harry from Santa Fe would be eliminated, and all traffic would have to use local streets to St. Francis or Washington to gain access to Harry. Harry Street is not currently under consideration for an overpass, but could be constructed in the future. The applicant should be advised of this.

There are single-family homes located north, east and west of the application on property zoned "MF-29" and "GO" General Office. South of the application area is the existing business on property zoned "LI." South, east and west of the existing business are other commercial and industrial uses on property zoned "LI" Limited Industrial.

At the May 24th CPO 1 hearing, the Council voted 7-0 to approve this request, subject to platting within one year and the conditions in the staff report. Staff recommended that a "Protective Overlay" be included with the rezoning that requires compliance with a submitted site plan and with the City's landscape and screening requirements where adjoining residential zoning.

At the May 27th MAPC hearing, the applicant's agent presented the request and the Planning Commission voted unanimously to approve the request, subject to the conditions of a Protective Overlay and platting within one year. No one spoke in opposition to this request at the Planning Commission.

The City Clerk should withhold publication of the Ordinance establishing the zone change until such time as the plat is recorded with the Register of Deeds.

Motion --

-- carried

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and, subject to the additional conditions of a protective overlay, and instruct the Planning Department to forward the Ordinance for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

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(Item No. 35)

P.O. 33

P.O.-33 - AMENDMENT #1 - REQUEST FOR A PROTECTIVE OVERLAY AMENDMENT TO ALLOW CONSTRUCTION OF A 62 UNIT HOTEL, LOCATED ON LOTS 1 & 2 OF PLAZA CENTRAL OFFICE PARK, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF CENTRAL AND JACKSON.

(District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-620.

MAPC Recommendation: Approve.

CPO Recommendation: Motion to Approve, subject to MAPD Staff comments.

Staff Recommendation: Approve.

The applicant is requesting an amendment to Protective Overlay 33 currently zoned "GO" General Office for a 2.22 acre tract located at the southeast corner of Central and Jackson Street. The amendment applies only to Lot 1 and Lot 2 of Plaza Central Office Park, and represents ¼ of the total office park site. The applicant is requesting the amendment in order to develop a residential design hotel upon the western portion of the tract along Central.

Plaza Central Office Park was rezoned "GO" General Office on January 13, 1998, subject to platting. The plat was approved by MAPC on March 16, 1999, and has been recorded. During the rezoning process, the applicant offered several restrictions on the proposed development in the form of a Protective Overlay in order to address the concerns of opposing area residents. This Protective Overlay has included use restrictions, limits of floor area, sign restrictions, architectural controls, height limits, setbacks from Central, and access controls. In addition to the P-O, the agent also submitted a concept plan for the proposed office park.

The "GO" district was added to the Unified Zoning Code to "accommodate office development and other complimentary land uses" and is "generally compatible with the 'Office' designation of the Wichita-Sedgwick County Comprehensive Plan." The "GO" district allows such uses as hotels/motels, hospitals, medical service uses, in addition to offices. Hotels in the "GO" district are restricted in terms of allowable accessory uses (no restaurants, service stations, drinking establishments or nightclubs are allowed). However, the Protective Overlay eliminated hotels/motels as a permitted use for this site.

The application area is surrounded by single-family homes on large lots zoned "SF-6" Single-Family Residential. Part of the property north of Central remains in the County and is an undeveloped pasture with "SF-20" zoning. The property across Jackson to the west allows the sale of agricultural products for a five-year time period via a Conditional Use (CU-453) approved on September 11, 1997, by the MAPC. Currently, there is a request to rezone 8.9 acres located at the southwest corner of Central and Jackson, including the area with the Conditional Use, from "SF-6" Single Family to "GO" General Office. The request, which was Case Z-3316, was approved by MAPC on April 29, 1999 (8-5), and was approved by the City Council on May 25, 1999. As approved, this site can be developed with general office development. A Protective Overlay for the site in Case Z-3316 mirrors the Protective Overlay on this site.

Plaza Central Office Park is bisected by the Spring Branch Tributary #4 and is characterized by wooded drainage-ways and mature trees. This area lies within the floodplain and is shown as Reserve "A" on the plat. All development on the site is to be located outside Reserve "A". Lot 1 and Lot 2 are located northwest of Reserve "A". The original site plan, attached as part of the Protective Overlay, indicated a 20,000 square foot two-story office building for each lot, for a total of 40,000 square feet. The revised site plan submitted with this application shows the two lots being used as a single unit for placement of a U-shaped residential hotel with 62 units and 41,260 square feet. If this development is approved, it will leave 38,740 square feet allowable on the remainder of the tract to stay within the overall density limit in the P-O.

The drawing of the proposed facade along Central gives the appearance of a multi-family apartment structure except for the entry area. According to the Protective Overlay, this design will set the tone for the architectural character on the rest of the tract. A proprietary pylon sign is located directly north of the entrance. The "GO" district also restricts signs to a maximum of 32 square feet, with no artificial illumination. The P-O further restricts the sign to a height of 20 feet.

At the CPO(2) meeting held May 24, 1999, the motion to approve subject to staff comments failed (4-3). There were no further motions from the floor. There were several citizens to speak in opposition. They noted that hotel use would increase traffic between 6:00 p.m. and 8:00 a.m. when the residents would be home and be more

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bothered by the traffic, compared with traffic generated by office use during the day while most residents are away from home. Other concerns were about the project paying its fair share of sewer hook-up fees and the domino-effect this development would have on encouraging more high density uses in the area.

At the meeting of MAPC on May 27, 1999, MAPC voted to recommend approval of the amendment to the Protective Overlay (7-4), with addition of architectural . Concerns were expressed by residents about increased traffic during non-business hours, bearing the fair share of sewer costs, and questions as to why amend the Protective Overlay to add hotel/motel as a land use when none of the development has been constructed to date. Commissioners concerns included reluctance to amend a protective overlay originally put in place to accommodate neighbors concerns by adding hotel/motel use to the allowed uses and the presence of adequate zoning in nearby locations already zoned for hotel/motel development.

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by-Section 28.04.010, as amended. (P.O. 33)

(Item No. 36)

A 99-23

A 99-23 - THE CITY OF WICHITA PROPOSES THE ANNEXATION OF PROPERTY GENERALLY LOCATED ½ MILE SOUTH OF 47TH STREET SOUTH ON THE EAST SIDE OF MERIDIAN AVENUE. (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-621..

This property is located approximately ½ mile south of 47th Street South on the east side of 119th Street West and consists of approximately 157.4 acres of undeveloped land that abuts the City on the north, east and west. The property is designated as part of South Lakes Park, a 247.29 acre regional park, of which approximately half is already in the City. In 1997, the site was part of a larger proposed annexation A 97-21 and included Campus High School. However, it has been modified to only include South Lakes Park and is now known as A 99-23.

Land Use and Zoning: The site consists of four contiguous tracts of land that are zoned "SF-20" Single Family Residential. The site is developed with baseball, soccer and football fields, with a portion of the existing park set aside for a proposed fishing lake. The land directly to the south of the site is unincorporated and zoned "SF-20" Single Family Residential and is the site of Campus High School. The land to the east of the site is a mixture of "SF-6" Single Family Residential and "MF-18" Multi-Family and is in the City of Wichita. Land immediately to the north of the site is zoned "SF-6" Single Family Residential and is incorporated. Land to the west of the site is zoned "MH" Manufactured Housing and "LC" Limited Commercial and is also incorporated. The "LC" Limited Commercial zoning is specific to the intersections of 47th Street South and Meridian and 55th Street South and Meridian. The site will automatically convert to "SF-6" Single Family Residential upon annexation.

Public Services: The City Water and Sewer Department indicates that there are 12 inch water distribution mains along Meridian Avenue and 47th Street South. The site can also be served by City sewer service by existing 54 inch mains along Meridian and 47th Street South.

Street System: As the area proposed for annexation is further developed as a park, it will have access to Meridian Avenue, a two-lane asphalt road, which serves the area as the nearest major north-south road. The 1998-2007 City C.I.P. includes plans to widen Meridian from I-235 to 47th Street South to a four-lane arterial street with construction beginning in 2003. The site will also have access to 47th Street South, a two-lane asphalt section line road, which is the nearest major east-west arterial road.

Public Safety: The Wichita Fire Department can serve this site with a six (6) minute approximate response time from Station #19 located at 600 W. MacArthur Road. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

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Urban Growth Area & Policy 32: The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation is tax exempt. The property is eligible for annexation under K.S.A. 12-520.

Motion --
-- carried

Rogers moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-23

EXECUTIVE SESSION

Motion --

-- carried

Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, contract negotiations, and preliminary discussions relating to the acquisition of real property for public purposes, and the regular meeting be resumed at 12:50 p.m. in the City Council Chambers. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed at 11:55 p.m. and reconvened at 12:10 p.m.

Vice Mayor Rogers

Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

RECESS

The City Council recessed at 12:10 p.m. and reconvened at 7:05 p.m.

Wichita, Kansas, June 22, 1999

Tuesday, 7:05 p.m.

The City Council met in recessed session at the Ascension Lutheran Church, 842 North Tyler. with Vice Mayor Rogers in the Chair. Council Members Gale, Lambke, Martz, Pisciotte; present. Council Member Cole and Mayor Knight absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; and Pat Burnett, City Clerk; present.

A 99-8

A 99-8: THE CITY OF WICHITA SEEKS THE ANNEXATION OF LAND GENERALLY LOCATED NORTH AND SOUTH OF KELLOGG, BETWEEN 119TH STREET WEST AND 167TH STREET WEST.
(District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-601.

On April 20, 1999, the City Council adopted a resolution that established June 22, 1999, at 7:00 p.m. at the Ascension Lutheran Church, 842 N. Tyler Rd., Wichita, Kansas as the time and place for a public hearing for this annexation. The areas proposed for annexation are located north and south of Kellogg, between 119th Street West 167th Street West.

The area proposed for annexation is the 2nd phase of a two-phase annexation. The area consists of Shepler's 3rd Addition, Wilson Acres Addition, United Industrial Addition, Fellowship Acres Addition and several unplatted tracts, which comprise approximately 216 acres and 37 properties (4 platted and 33 unplatted). Except for Kellogg Drive (Condemnation Case CC-B-17272), from 167th Street West, east 550 feet, there are no other streets included in this annexation. The predominant land-use pattern of the area to be annexed is residential, with 16 residential tracts. There are also several non-residential uses along Kellogg such as a restaurant, retail store, adult entertainment (dance) business and manufacturing facility. The majority of the area is zoned "SF-20" Single-Family Residential, with several tracts zoned "RR" Rural Residential, "LC" Limited Commercial, "GC" General Commercial and one tract zoned "LI" Limited Industrial. Those tracts zoned "RR" Rural Residential and "SF-20"

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Single-Family Residential will convert to the "SF-6 Single-Family Residential district upon annexation, while the commercially zoned tracts will remain so.

An informational meeting regarding the proposed annexation was held on May 25, 1999 at the Ascension Lutheran Church, 842 N. Tyler Rd. and approximately 10-12 citizens attended the meeting.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area.

The total appraised value of the land and improvements of this annexation is \$4,789,990, with a resulting initial annual City Ad Valorem tax revenue of approximately \$21,784.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The cost of municipal services that will be provided upon annexation will be funded by the operating departments currently delivering these services. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request by the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, together with a map showing the properties affected and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on May 13, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (8-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Vice Mayor Rogers	Vice Mayor Rogers inquired whether anyone wished to be heard.
Mrs. Harold Merrill	Mrs. Harold 1030 South 151st, said their water bill averaged \$35 to \$50 per month. There is also an additional water tap that was installed in preparation for dividing the property into smaller lots. The tap has not been used but costs an additional \$29.79 per month.
Harold Merrill	Harold said the 16" culvert on their property was 25 percent stopped up but, due to mud, it is now 75 percent stopped up.
Steve Lackey	Public Works Director said someone would be sent to clean out the culvert.
Wade Pascal	Water and Sewer Customer Service reviewed water hookup fees and said negotiations are on-going for purchase of the water system.
Motion -- -- carried	Martz moved that the public hearing be closed; the annexation be approved and the annexation Ordinance be placed on first reading. Motion carried 5 to 0. (Cole, Knight; absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-8

ADJOURNMENT The City Council adjourned at 7:32 p.m.

Pat Burnett, CMC, City Clerk